

**ASSEMBLY BILL**

**No. 418**

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**Introduced by Assembly Member Emmerson**

February 23, 2009

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An act to amend Section 4231 of, to amend, repeal, and add Section 4202 of, and to add Sections 4230, 4230.5, and 4410 to, the Business and Professions Code, relating to pharmacy.

LEGISLATIVE COUNSEL'S DIGEST

AB 418, as introduced, Emmerson. Pharmacy technicians: licensure requirements.

Existing law, the Pharmacy Law, provides for the licensure and regulation of pharmacists and pharmacy technicians by the California State Board of Pharmacy. Existing law authorizes the board to issue a pharmacy technician license to an individual if that individual is a high school graduate or possesses a general educational development certificate equivalent and has either obtained a specified associate's degree, completed a specified course of training, graduated from a specified school of pharmacy, or is certified by the Pharmacy Technician Certification Board. Existing law prohibits the board from renewing a pharmacist license, after the first renewal, unless the applicant submits satisfactory proof that he or she has successfully completed 30 hours of approved courses of continuing pharmacy education during the 2 years preceding the application for renewal.

This bill would instead, on and after January 1, 2011, authorize the board to issue a pharmacy technician license to an individual if that individual is a high school graduate or possesses a general educational development certificate equivalent, passes a pharmacy technician examination recognized by the National Organization for Competency

Assurance and approved by the board, and has either obtained a specified associate's degree, completed a course of training offered by a specified accredited program, or graduated from a specified school of pharmacy. The bill would also prohibit the board from renewing a pharmacist technician license, after the first renewal, unless the applicant submits satisfactory proof that he or she has successfully completed 20 hours of continuing pharmacy education courses. The bill would specify the form and subject matter content for these courses and it would provide that a pharmacy technician license that is not renewed within 3 years after expiration may not be renewed and shall be canceled at the end of the 3-year period.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. This act shall be known, and may be cited, as the  
2     California Pharmacy Technician Patient Safety and Protection Act.  
3     SEC. 2. Section 4202 of the Business and Professions Code is  
4     amended to read:  
5     4202. (a) The board may issue a pharmacy technician license  
6     to an individual if he or she is a high school graduate or possesses  
7     a general educational development certificate equivalent, and meets  
8     any one of the following requirements:  
9         (1) Has obtained an associate's degree in pharmacy technology.  
10        (2) Has completed a course of training specified by the board.  
11        (3) Has graduated from a school of pharmacy recognized by  
12        the board.  
13        (4) Is certified by the Pharmacy Technician Certification Board.  
14     (b) The board shall adopt regulations pursuant to this section  
15     for the licensure of pharmacy technicians and for the specification  
16     of training courses as set out in paragraph (2) of subdivision (a).  
17     Proof of the qualifications of any applicant for licensure as a  
18     pharmacy technician shall be made to the satisfaction of the board  
19     and shall be substantiated by any evidence required by the board.  
20     (c) The board shall conduct a criminal background check of the  
21     applicant to determine if an applicant has committed acts that  
22     would constitute grounds for denial of licensure, pursuant to this  
23     chapter or Chapter 2 (commencing with Section 480) of Division  
24     1.5.

1 (d) The board may suspend or revoke a license issued pursuant  
2 to this section on any ground specified in Section 4301.

3 (e) Once licensed as a pharmacist, the pharmacy technician  
4 registration is no longer valid and the pharmacy technician license  
5 shall be returned to the board within 15 days.

6 *(F) This section shall remain in effect only until January 1,*  
7 *2011, and as of that date is repealed, unless a later enacted statute,*  
8 *that is enacted before January 1, 2011, deletes or extends that*  
9 *date.*

10 SEC. 3. Section 4202 is added to the Business and Professions  
11 Code, to read:

12 4202. (a) The board may issue a pharmacy technician license  
13 to an individual if he or she is a high school graduate or possesses  
14 a general educational development certificate equivalent, passes  
15 a pharmacy technician examination recognized by the National  
16 Organization for Competency Assurance and approved by the  
17 board, and meets any one of the following requirements:

18 (1) Has obtained an associate's degree in pharmacy technology.

19 (2) Has completed a course of training offered by a program  
20 accredited by an accreditation agency approved by the board.

21 (A) For the purposes of this section, "accreditation agency"  
22 means a public or private organization that issues certificates of  
23 accreditation to pharmacy technician training programs.

24 (B) The board shall adopt regulations that include criteria for  
25 approving an accreditation agency. These criteria may include the  
26 accreditation standards for pharmacy technician training programs  
27 issued by the American Society of Health-System Pharmacists.

28 (3) Has graduated from a school of pharmacy recognized by  
29 the board.

30 (b) The board shall adopt regulations pursuant to this section  
31 for the licensure of pharmacy technicians. Proof of the  
32 qualifications of any applicant for licensure as a pharmacy  
33 technician shall be made to the satisfaction of the board and shall  
34 be substantiated by any evidence required by the board.

35 (c) The board shall conduct a criminal background check of an  
36 applicant to determine if the applicant has committed acts that  
37 would constitute grounds for denial of licensure, pursuant to this  
38 chapter or Chapter 2 (commencing with Section 480) of Division  
39 1.5.

(d) The board may suspend or revoke a license issued pursuant to this section on any ground of unprofessional conduct specified in Section 4301.

(e) Once a pharmacy technician is licensed as a pharmacist, the pharmacy technician registration is no longer valid and the pharmacy technician license shall be returned to the board within 15 days.

(f) A pharmacy technician examination described in subdivision (a) shall be subject to Section 139.

(g) This section shall become operative on January 1, 2011.

SEC. 4. Section 4230 is added to the Business and Professions Code, to read:

4230. (a) The board shall not renew a pharmacy technician license unless the applicant submits proof satisfactory to the board that he or she has successfully completed 20 hours of approved courses of continuing pharmacy technician education as described in Section 4230.5 during the two years preceding the application for renewal.

(b) Notwithstanding subdivision (a), the board shall not require completion of continuing education for the first renewal of a pharmacy technician license.

(c) If an applicant for renewal of a pharmacy technician license submits the renewal application and payment of the renewal fee but does not submit proof satisfactory to the board that the licensee has completed 20 hours of continuing pharmacy education, the board shall not renew the license and shall issue the applicant an inactive pharmacy technician license. A licensee with an inactive pharmacy technician license issued pursuant to this section may obtain an active pharmacy technician license by paying the renewal fees due and submitting satisfactory proof to the board that the licensee has completed 20 hours of continuing pharmacy education.

SEC. 5. Section 4230.5 is added to the Business and Professions Code, to read:

4230.5. (a) The approved courses of continuing pharmacy technician education shall be in the form of studies, institutes, seminars, lectures, conferences, workshops, extension studies, correspondence courses, and other similar methods of conveying continuing professional pharmacy technician education.

(b) The subject matter of the courses may be pertinent to the socioeconomic and legal aspects of health care, the properties and

1 actions of drugs and dosage forms, and the etiology, characteristics,  
2 and therapeutics of the disease state.

3 (c) The subject matter of the courses may also include, but shall  
4 not be limited to, the following: pharmacology, biochemistry,  
5 physiology, pharmaceutical chemistry, pharmacy administration,  
6 pharmacy jurisprudence, public health and communicable diseases,  
7 professional practice management, anatomy, and histology.

8 SEC. 6. Section 4231 of the Business and Professions Code is  
9 amended to read:

10 4231. (a) The board shall not renew a pharmacist license unless  
11 the applicant submits proof satisfactory to the board that he or she  
12 has successfully completed 30 hours of approved courses of  
13 continuing pharmacy education *as described in Section 4232* during  
14 the two years preceding the application for renewal.

15 (b) Notwithstanding subdivision (a), the board shall not require  
16 completion of continuing education for the first renewal of a  
17 pharmacist license.

18 (c) If an applicant for renewal of a pharmacist license submits  
19 the renewal application and payment of the renewal fee but does  
20 not submit proof satisfactory to the board that the licensee has  
21 completed 30 hours of continuing pharmacy education, the board  
22 shall not renew the license and shall issue the applicant an inactive  
23 pharmacist license. A licensee with an inactive pharmacist license  
24 issued pursuant to this section may obtain an active pharmacist  
25 license by paying the renewal fees due and submitting satisfactory  
26 proof to the board that the licensee has completed 30 hours of  
27 continuing pharmacy education.

28 SEC. 7. Section 4410 is added to the Business and Professions  
29 Code, to read:

30 4410. Any pharmacy technician license that is not renewed  
31 within three years following its expiration may not be renewed  
32 and shall be canceled by operation of law at the end of the  
33 three-year period.